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10/039,048	12/31/2001	Adrian Crisan	200302266-1	2291

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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,048

Applicant(s)

CRISAN, ADRIAN

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 3/3/2004.
2. Claims 1-15 and 21-24 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-15 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnan (U.S. 6,377,685).

Re claims 1, 12: Krishnan discloses cluster key arrangement, which includes a key 12 having a first data entry value associated with depressing the key 12 (as shown in fig. # 1 of Krishnan; col.14, lines 15-67); the key 12 having one or more additional [such as data A, B, C of key "2"] discrete data entry values (see fig. # 1 of Krishnan), each of the one or more additional

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discrete data entry values being associated with deflecting the key in a predetermined direction (col.14, lines 56+; col.25, lines 10+), the key having a user readable indication of the first data entry value and each of the one or more additional discrete data entry values (see fig. # 7 of Krishnan), and where the key is adapted for being depressed or deflected by a human fingertip (col.14, lines 50-55).

Re claim 2: Krishnan teaches an apparatus and method, wherein the first data entry value is a numeric data value [such as data A, B, C of key "2" or data D, E, F of key "3"] such as and the one or more additional discrete data entry values are alphabetic data values (see fig. # 1 of Krishnan).

Re claim 3: Krishnan discloses an apparatus and method, wherein the one or more additional discrete data entry values are each associated with a predetermined zone around a periphery of the key (as shown in fig. # 7 of Krishnan; col.19, lines 10+).

Re claim 4: Krishnan teaches an apparatus and method, wherein the one or more additional discrete data entry values are each associated with an adjustable zone around a periphery of the key (as shown in fig. # 4 of Krishnan; col.15, lines 10+).

Re claim 5: Krishnan discloses an apparatus and method, further comprises a controllable display 28 around the periphery of the key (as shown in fig. # 2 of Krishnan; col.15, lines 55+).

Re claim 6: Krishnan teaches an apparatus and method, wherein the controllable display 28 is an LCD (col.15, lines 56+).

Re claim 7: Krishnan discloses an apparatus and method, wherein the number of predetermined zones is user selectable (col.18, lines 25+).

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Re claim 8: Krishnan teaches an apparatus and method, wherein the key is square in shape and the number of predetermined directions are four (col.17, lines 60+).

Re claim 9: Krishnan discloses an apparatus and method, wherein the key is circular in shape and the number of predetermined directions are four, six, or eight (as shown in fig. # 7 of Krishnan; col.16, lines 42+).

Re claim 10: Krishnan teaches an apparatus and method, wherein the key is hexagonal in shape and the number of predetermined directions are six (col.14, lines 30+).

Re claim 11: Krishnan discloses an apparatus and method, wherein the key is octagonal in shape and the number of predetermined directions are eight (col.16, lines 37+).

Re claim 13: Krishnan teaches an apparatus and method, wherein the plurality of keys comprise a 12-key telephone numeric keypad [as shown in fig. 3 1 of Krishnan], and the additional discrete data entry values are alphabetic data values (col.14, lines 3+).

Re claim 14: Krishnan discloses an apparatus and method, wherein the plurality of keys is a three-key watch pad, and the additional discrete data entry values are numeral data values (as shown in fig. 3 1 of Krishnan; col.14, lines 3+).

Re claims 15: Krishnan teaches an apparatus and method, wherein the plurality of keys is a three-key handheld computer keypad (col.14, lines 6+; col.20; lines 17-28), and the additional discrete data entry values are representative of a Qwerty keyboard (col.24; lines 1-32).

Re claim 21: Krishnan discloses a system and method, comprising of means of defining a first data zone that is actuated when the hardware key is depressed and at least one additional data zone corresponding to the at least one additional predetermined direction, the at least one additional data zone corresponding to an additional discrete data entry value (col.14, lines 56+;

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col.25, lines 10+), generating a display [through the LCD 28] that includes a user readable indication corresponding to the additional discrete data entry value, the user readable indication being indicative of the at least one additional predetermined direction (col.15, lines 56+), wherein data corresponding to the additional discrete data entry value [herein disclosed as secondary key] is generated when a user moves the hardware key in the predetermined direction (col.25, lines 25+).

Re claim 22: Krishnan teaches an apparatus and method, comprising performing a test to determine if the at least one additional data zone is capable of being effectively actuated (col.10, lines 5+); and wherein an acceptable result produced by the test indicates that the at least one additional data zone is capable of being effectively actuated and an unacceptable [through a beep and optionally display an error message] result produced by the test indicates that the at least one additional data zone is not capable of being effectively actuated (col.10, lines 12+).

Re claim 23: Krishnan discloses an apparatus and method, teaches selecting a different number of data zones if the test produces an unacceptable [do not work] result; and repeating [using the preprocessing method] performing the user selection test (col.22, lines 62-67; col.23, lines 1-67).

Re claim 24: Krishnan teaches an apparatus and method, further comprising selecting a different number of data zones if the test produces acceptable results; and repeating performing the test (col.19, lines 1-67; col.20, lines 1+).

Response to Arguments

5. Applicant's arguments with respect to claims 1-15 and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Higginson (U.S. 6,703,963) discloses universal keyboard.

Hohl et al. (US 2003/0090467) teaches alphanumeric keypad and display system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
May 5, 2004



THIEN M. LE
PRIMARY EXAMINER